

REMARKS

In the Office Action of April 1, 2003, Claim 11 was allowed. Applicant would like to thank the Examiner for this determination. Applicant respectfully submits that since independent Claim 11 is allowed, all claims that depend directly or indirectly there from, namely, Claims 12, 13 & 15 should be allowed as well.

Claims 1-6, 8-10, 12-13, 15-20 and 22-29 Stand Rejected Under 35 U.S.C. §102(e)

In the Office Action, Claims 1-6, 8-10, 12-13, 15-20 and 22-29 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,272,129 B1 (hereinafter Dynarski et al.). It is respectfully submitted that Dynarski et al. fails to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons.

Applicant points out that claims 12-13, 15-20 and 22, 23 and 28-29, as amended, either depend directly or indirectly allowed Claim 11 or incorporate the limitations of allowed Claim 11. As a result, it is respectfully requested that these claims be deemed allowed along with claim 11.

With respect to Claims 1-6, 8-10 and 24-27, these claims are directed to a device and are not anticipated by Dynarski et al. In particular, Claims 1 and 7 of the present application are independent claims drawn to a wireless provisioning device. Both claims, and those claims dependent thereon, feature a wireless provisioning device, while Dynarski et al. is directed to a system. Contrary to the examiners contention, Dynarski et al. does not provide a chassis, at least one network card, at least one wireless card, at lease one processor; and an operating system (OS) operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis. In fact, as described at column 2 lines 54-65, the system described in the Dynarski et al. patent performs authentication at a Radius Server 28, which is a location separate and distinct from that of the device where the operating system resides. As a result, authentication does not take place at the location of the OS as is the case with

the present invention. More particularly, the OS, Home Agent/Gateway Router 22, the authentication Radius Server 28 and the IP Router 18 of the Dynarski et al. system are not all resident at the same chassis, which would be a requirement of a device.

Thus, it is respectfully submitted that Claim 1 and 7 are not anticipated by Dynarski et al. and are therefore, in condition for allowance. Claims 2-6, 8-9 and 24-27, depend, either directly or indirectly, from Claims 1 and 7, and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent Claims 2-6, 8-9 and 24-27 also not anticipated by Dynarski et al. and are, therefore, also in condition for allowance.

Unlike Dynarski et al., independent Claim 10 of the instant application is directed to a system that employs a provisioning device like the one provided in Claim 1. Therefore, the lack of a device that has a full compliment of functionality in a single chassis precludes Dynarski et al. from serving as a 102(e) anticipatory reference.

Claims 7 and 21 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 7 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,272,129 B1 (hereinafter Dynarski et al.) in view of U.S. Patent 6,453,371 B1 (hereinafter Hampton). It is respectfully submitted that Dynarski et al. and Hampton individually or combined fail to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 7 and 21 of the present application are independent claims drawn to a wireless provisioning device. Both claims feature a wireless provisioning device with an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device, such that a user of a mobile computing device can connect to the wireless provisioning device without having to first access the Internet. Applicants respectfully restate its premise from the previous responses,

namely, that a device differs from a system, at minimum, by the fact that the functional parts of a device are not dispersed in several different locations, like system parts may be, but rather are all housed resident in a certain location.

Dynarski et al. is directed to a system while claims 7 of the present application, and those claims dependent thereon, are directed to a device. Contrary to the examiners contention, Dynarski et al. does not provide a chassis, at least one network card, at least one wireless card, at least one processor; and an operating system (OS) operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis. In fact, Dynarski et al. does not disclose a Linux operating system and in Hampton, as described at column 5 line 59, the Linux operating system does not reside in the chassis in particular or in a wireless routing device generally; the Linux operating system is only provided in the mobile device.

Independent Claim 21 of the present application is drawn to a system comprising a wireless provisioning device, a carrier structure, wireless access points and an authentication protocol initiated at the wireless provisioning device. As discussed previously, Dynarski et al. and Hampton do not describe or suggest a device capable of providing the functions of a wireless provisioning device, but rather attempt to emulate certain of these functions through multiple devices. As stated at page 23 lines 18-20 of Applicants application specification, "[w]ithout the wireless provisioning device, two separate wireless infrastructures would have to be erected to satisfy all types of customers." This is in part why the Dynarski et al. and Hampton systems require several devices to achieve just a portion of the functionality provided by the wireless provisioning device.

From the foregoing discussion, it is clear that Dynarski et al. and Hampton do not describe or suggest a wireless provisioning device capable authentication and network access nor do they disclose a system comprising such a device. Conversely, these are features of the wireless provisioning device

and system of the present claims. Thus, it is respectfully submitted that Claim 7 and 21 are not unpatentably obvious over Dynarski et al. in view of Hampton and are, therefore, in condition for allowance.

For the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted

Date: August 18, 2003


Tony D. Alexander
Registration No. 44,501

OFFICIAL

TECHNOLOGY LEGAL COUNSEL LLC
Post Office Box 1728
Evans, Georgia 30809-1728
(706) 210-4026

FAX RECEIVED
AUG 19 2003
GROUP 2600